

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LENNY FEINBERG,
Plaintiff,

v.

DAVID A. ECKELMEYER and ROBERT FEINBERG,
Defendants.

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:
: CIVIL ACTION
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: NO. 2:09-cv-1536-WY
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:
:

Order

AND NOW on this 16th day of December, 2009, upon consideration of defendants' motion to dismiss (Doc. No. 16), plaintiff's opposition thereto, and defendants' reply, **IT IS HEREBY ORDERED** that:

1. Defendants' motion to dismiss is **DENIED** with respect to plaintiff's claims for violation of the Computer Fraud and Abuse Act, for breach of fiduciary duty, and for civil conspiracy;
2. Defendants' motion to dismiss is **GRANTED** with respect to plaintiff's claims for violation of Pennsylvania's Uniform Trade Secrets Act ("PUTSA") and for invasion of privacy;
3. Count III of plaintiff's complaint, for violation of the PUTSA, is therefore **DISMISSED**, without prejudice to the right of plaintiff to file an amended complaint within twenty days from the date of this Order; and
4. Count IV of plaintiff's complaint, for invasion of privacy, is also **DISMISSED**, without prejudice to the right of plaintiff to file an amended complaint within twenty days from the date of this Order.

s/ William H. Yohn Jr., Judge
William H. Yohn Jr., Judge